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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,543	09/22/2003	Robert Wayne Coffen	60001.0160USd1	9925
23552	7590	02/15/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BOTTS, MICHAEL K	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/667,543	<b>Applicant(s)</b> COFFEN ET AL.	
	<b>Examiner</b> Michael K. Botts	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on September 22, 2003, and which is a divisional of and claims priority to U.S. Patent Application 09/224,31, which was filed on December 31, 1998, and receipt is acknowledge of the Preliminary Amendment, which was filed on September 22, 2003.
2. Claims 1-10 have been examined, with claims 1 and 8 being the independent claims.
3. The Preliminary Amendment is accepted.
4. Claims 1-10 are rejected.

### ***Preliminary Amendment***

5. The Preliminary Amendment, filed September 22, 2003, is accepted and the claims and specification are amended according for purposes of this Office Action.

### ***Abstract of the Disclosure***

6. The abstract of the disclosure is objected to because it exceeds 150 words in length. The abstract of the disclosure is also objected to because it includes a copy of the title of this patent application. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claims Rejection – 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler, et al., (U.S. Patent 5,768,158, filed December 8, 1995) [hereinafter "Adler"].

Regarding **independent claim 1**, Adler teaches:

*A method for automatically extending a format to include a cell in an electronic spreadsheet, comprising the computer implemented steps of:*  
*determining that a previously blank newly edited cell is an extension to or within a list of cells;*

(See, Adler, col. 14, lines 41-53, and col. 19, lines 47-49, teaching ranges of cells and objects contained therein as lists. See also, Adler, col. 21, lines 4-6, teaching editing a previously blank newly edited cell, "C1," as an extension of a list of cells, "A1" and "B1.")

*determining that the list of cells has a consistent format; and*  
(See, Adler, col. 12, lines 48-59, teaching determination of format for the purpose of associating a color with the cell.)

*automatically extending the consistent format to include the previously blank newly edited cell.*  
(See, Adler, col. 13, lines 8-13, teaching that an edited data is associated with the cell. See also, Adler, col. 14, lines 41-54, teaching incorporation of the new edited cell with the other cell objects. And see, Adler, col. 17, lines 34-58, teaching the visual association of related, list object, cells.

Adler does not expressly teach extending the consistent format to include the blank newly edited cell, but such would have been obvious to one of ordinary skill in the art at the time of the invention because the edited cell is incorporated into the list of cells, and incorporating the format, for example color of the data type, into the newly edited cell would further the stated purpose of the color formatting, which is identified in

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Adler as allowing the spreadsheet user to quickly determine what object type is associated with the cell or cells. See, Adler, col. 12, lines 48-59.)

Regarding **dependent claim 2**, Adler teaches:

*The method of claim 1, wherein the step of determining that a previously blank newly edited cell is an extension of or within a list of cells comprises:*

*determining that a plurality of previous cells have a consistent data type;*

*and*

*determining that the previously blank newly edited cell also has the consistent data type.*

(See, Adler, col. 12, lines 48-59, teaching association of congruent cell object types with individual colors. See also, Adler, col. 6, lines 41-46, teaching that consistent object types are displayed with consistent visual appearance, preferably the same color.)

Regarding **dependent claim 3**, Adler teaches:

*The method of claim 2, wherein the plurality of previous cells are above the previously blank newly edited cell in a column.*

(See, Adler, col. 13, lines 8-13, teaching that an edited data is associated with the cell. See also, Adler, col. 14, lines 41-54, teaching incorporation of the new edited cell with the other cell objects. And see, Adler, col. 17, lines 34-58, teaching the visual association of related, list object, cells. And see, Adler, line 51, teaching the association of object types in cells in the addition of cells in a column "A.")

Adler does not expressly teach that the cells are above the previously blank newly edited cell in a column. It would have been obvious to one of ordinary skill in the art at the time of the invention to associate a newly edited cell with those above it in a column if the data in those cells were to be associated, because it would have been consistent with the stated purpose of the color formatting, which is identified in Adler as allowing the spreadsheet user to quickly determine what object type is associated with the cell or cells. See, Adler, col. 12, lines 48-59.)

Regarding **dependent claim 4**, Adler teaches:

*The method of claim 2, wherein the plurality of previous cells are beside the previously blank newly edited cell in a row.*

(See, Adler, col. 14, lines 41-54, teaching the association of cells in rows. See, Adler, col. 19, lines 61, teaching the association of a row of "C={A,B}."

Adler does not expressly teach that the cells are above the previously blank newly edited cell in a row. It would have been obvious to one of ordinary skill in the art at the time of the invention to associate a newly edited cell with those in a row with it if the data in those cells were to be associated, because it would have been consistent with the stated purpose of the color formatting, which is identified in Adler as allowing the spreadsheet user to quickly determine what object type is associated with the cell or cells. See, Adler, col. 12, lines 48-59.)

Regarding **dependent claim 5**, Adler teaches:

*The method of claim 1, wherein the step of determining that a previously blank newly edited cell is an extension to a list of cells comprises:*

*determining that the previously blank newly edited cell is an extension of or within the list, wherein the list comprises a plurality of previous cells above the previously blank newly edited cell in a column, each having a first consistent data type; and*

*if it is determined that the previously newly edited cell is not an extension of or within the column, determining that the previously blank newly edited cell is an extension of or within the list wherein the list comprises a plurality of previous cells beside the previously blank newly edited cell in a row, each having a second consistent data type.*

(See, Adler, col. 12, lines 48-59, teaching the association of different colors as formatting according to cell data type.

Adler does not expressly teach that a newly edited cell is not associated with neighboring cells if the data types do not match. It would have been obvious to one of ordinary skill in the art at the time of the invention because of the purpose of the color formatting, which is identified in Adler as allowing the spreadsheet user to quickly determine what object type is associated with the cell or cells. See, Adler, col. 12, lines 48-59. Failing to distinguish a newly edited cell from incongruent data types would defeat the purpose of identification of data type by color.)

Regarding **dependent claim 6**, Adler teaches:



*The method of claim 5, wherein the step of determining that the list of cells has a consistent format comprises determining that the list has a consistent column format; and wherein the step of automatically extending the consistent format to include the previously blank newly edited cell comprises applying the consistent column format to the previously blank newly edited cell if the cell has only default formatting, wherein the default formatting excludes conditional formatting previously applied to the cell.*

(See, Adler, col. 15, line 66 through col. 16, line 5, teaching that the user may set the colors and manipulate other attributes of the cell fields.

Adler does not expressly that a default field may be set and used upon the determination of default formatting. It would have been obvious to one of ordinary skill in the art at the time of the invention that a default format would be indicated because it is obvious from the drop down menu that there would be an option that no color be set, which is consistent with the teaching that the visual representation format is entirely user selectable. See, Adler, col. 17, lines 34-58.)

Regarding **dependent claim 7**, Adler teaches:

*The method of claim 5, wherein the step of determining that the list of cells has a consistent format comprises:*

*determining that the list does not have a consistent column format, and  
determining that the list has a consistent row format; and*

*wherein the step of automatically extending the consistent format to the previously blank newly edited cell comprises applying the consistent row format to the previously blank newly edited cell if the cell has only default formatting, wherein the default formatting excludes conditional formatting previously applied to the cell.*

(See, Adler, col. 15, line 66 through col. 16, line 5, teaching that the user may set the colors and manipulate other attributes of the cell fields.

Adler does not expressly that a default field may be set and used upon the determination that the default formatting excludes formatting previously applied to the cell. It would have been obvious to one of ordinary skill in the art at the time of the invention that a default format could be set to any user preference for cell formatting because it is obvious from the drop down menu that there would be an option that no color be set, which is consistent with the teaching that the visual representation format is entirely user selectable. See, Adler, col. 17, lines 34-58.)

Regarding **claims 8, 9, and 10**, claims 8, 9, and 10 incorporate substantially similar subject matter as claimed in claims 1, 5, and 7, respectively, and are rejected along the same rationale.

8. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon

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for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

### ***Conclusion***

9. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Adler, et al. (U.S. Patent 6,138,130), teaching cell lists and consistent formatting of cells according to object data types.

Kaethler (U.S. Patent 5,553,215), teaching manipulation of cell boundary lines according to shared formulas in a spreadsheet program.

Yarnel, et al. (U.S. Patent 5,359,729), teaching association of data cell regions by examination of the data cell lists.

McCaskill, et al. (U.S. Patent 5,121,499), teaching designation of next cell attributes to associate cell structures.

Individuals associated with the filing or prosecution of a patent application are reminded of their obligations pursuant to 37 CFR 1.56. See generally, MPEP 2001 and subsections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb

A handwritten signature in black ink, appearing to read 'Doug Hutton', with a stylized flourish at the end.

**DOUG HUTTON  
PRIMARY EXAMINER  
TECH CENTER 2100**